

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TRUSTEES OF THE PLUMBERS & PIPEFITTERS'  
NATIONAL PENSION FUND; TRUSTEES OF THE  
PLUMBERS & PIPEFITTERS' INTERNATIONAL  
TRAINING FUND; TRUSTEES OF THE PLUMBERS  
AND PIPEFITTERS' LOCAL UNION NO. 4 HEALTH  
& WELFARE FUND; PENSION FUND; ANNUITY  
FUND; JOINT APPRENTICE TRAINING FUND;  
INDUSTRY FUND; BUILDING & RELIEF FUND and  
PLUMBERS AND PIPEFITTERS UNION LOCAL NO. 4

Plaintiffs

VS.

HVAC MECHANICAL SYSTEMS, INC.

Defendant

Civil Action No.  
04-11776-NG

October 28, 2004

**AFFIDAVIT OF DOREEN LEFORT**

The undersigned, Doreen Lefort, being duly sworn, hereby deposes and states:

1. I am over the age of eighteen (18) years, and understand the meaning and obligation of an oath.

2. I am the Administrator of the Plumbers & Pipefitters' National Pension Fund; the Plumbers & Pipefitters' International Training Fund; the Plumbers and Pipefitters' Local Union No. 4 Health & Welfare Fund; Pension Fund; Annuity Fund; Joint Apprentice Training Fund; Industry Fund; and Building & Relief Fund (hereinafter the "Funds"). As such, I am personally familiar with the facts stated herein.

3. HVAC Mechanical Systems, Inc. (hereinafter "HVAC Mechanical"), at all relevant times, was obligated to pay benefit contributions pursuant to a Collective Bargaining Agreement in effect between the New England Mechanical Contractors' Association and the Plumbers and Pipefitters Union Local No. 4 (hereinafter "Plumbers Local 4").

4. Pursuant to the Collective Bargaining Agreement, HVAC Mechanical agreed to pay the Funds certain sums of money for each hour worked by employees of HVAC Mechanical covered by the Agreement.

5. HVAC Mechanical is delinquent in its contributions to the Funds for the months of November 2003 through July 2004.

6. HVAC Mechanical has submitted monthly remittance reports indicating that HVAC Mechanical owes contributions to the Funds for work performed by its employees and Union members for the months of November 2003, December 2003, January 2004 and February 2004 in the amounts of *\$17,032.14*, *\$17,097.36*, *\$8,203.71* and *\$777.77* respectively, of which only *\$8,624.80* has been paid to date. Accordingly, for the period of November through February 2004, the Defendant owes delinquent contributions to the Funds in the amount of *\$34,486.18*.

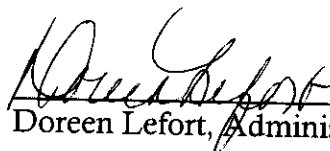
7. HVAC Mechanical has failed to submit required monthly reports for the months of March 2004 through July 2004. Upon information and belief, HVAC Mechanical

owes *estimated* contributions to the Funds for work performed by its employees and Union members for the months of March 2004, April 2004, May 2004, June 2004 and July 2004 in the amounts of **\$6,398.40**, **\$6,398.40**, **\$6,398.40**, **\$6,398.40** and **\$4,798.80** respectively. It is *estimated* that HVAC Mechanical therefore owes **\$30,392.40** for the months of March through July 2004.

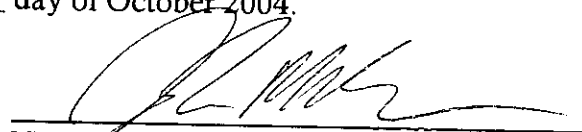
8. Upon information and belief it is *estimated* that HVAC Mechanical therefore owes the Funds a total of **\$73,503.38** for the months of November 2003 through July 2004, of which only **\$8,624.80** has been paid to date; this leaves a balance remaining of **\$64,878.58** for unpaid contributions alone.

9. The Funds Collection, Delinquency and Audit Policy provides for liquidated damages in the amount of twenty percent (20%) of the amount of delinquencies. Therefore liquidated damages sustained by the Plaintiffs total **\$12,975.72**.

DATED this 28<sup>th</sup> day of October 2004, at Worcester, Massachusetts.

  
Doreen Lefort, Administrator

Subscribed and sworn to before me this 28<sup>th</sup> day of October 2004.

  
Notary Public  
*Commission Expires 9/11/2009*